S.B. Criminal Misc. Bail Application No.3623/2006
Date : 22.08.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. R.S. Chundawat for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that applicant is father of the deceased and his submission is that after reading out Parcha Bayan of the deceased it would clear that she purchased one Salphos tablet and subsequently it was consumed by her. According to learned counsel, she has stated in Parcha Bayan that her parents wanted that she should go on Nata but she wanted to live with her husband and on the day of incident she was at the house of her husband. He further submits that ingredients of Section 306 IPC are missing in the instant case and the mother of the deceased has

already been granted bail by this Court vide order dated 17.07.2006 in S.B. Criminal Misc. Bail Application No.2813/2006, therefore, present applicant may also be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and on perusal of Parcha Bayan, I am of the opinion that the applicant should be given benefit of bail under Section 439 Cr.P.C.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Shambhu Nath son of Nand Nath shall be released on bail in FIR No.129/2006 P.S. Mandalgarh, District Bhilwara, provided

he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant